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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JESUS GONZALEZ,

14 Defendant.

Case No. 15cr1247-GPC

PRELIMINARY ORDER OF
CRIMINAL FORFEITURE

15
16 WHEREAS, on or about June 30, 2015, JESUS GONZALEZ ("Defendant")
17 pled guilty before Magistrate Judge Karen S. Crawford to the Information,
18 which written plea agreement and forfeiture addendum included consent to forfeiture
19 pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. §2461(c), and Title 21,
20 United States Code, Section 853(a)(2) of **a 9mm Sig Sauer handgun**; and

21 WHEREAS, on July 17, 2015 this Court accepted the guilty plea of Defendant
22 and sentenced the Defendant on November 6, 2015; and

23 WHEREAS, by virtue of the facts set forth in the plea agreement and forfeiture
24 addendum, the United States has established the requisite nexus between the forfeited
25 properties and the offense; and

26 WHEREAS, by virtue of the guilty plea, the United States is now entitled to
27 possession of the above-referenced property, pursuant to 18 U.S.C. § 924(d)(1), 28
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1 U.S.C. §2461(c), 21, U.S.C. § 853(a)(2) and Rule 32.2(b) of the Federal Rules of
2 Criminal Procedure; and

3 WHEREAS, pursuant to Rule 32.2(b), the United States having requested the
4 authority to take custody of the above-referenced property which was found
5 forfeitable by the Court; and

6 WHEREAS, the United States, having submitted the Order herein to the
7 Defendant through his attorney of record, to review, and no objections having
8 been received;

9 Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

10 1. Based upon the guilty plea of the Defendant, the United States is hereby
11 authorized to take custody and control of the 9mm Sig Sauer handgun and all right,
12 title and interest of Defendant JESUS GONZALEZ in it is hereby forfeited to the
13 United States for disposition in accordance with the law, subject to the provisions of
14 21 U.S.C. § 853(n).

15 2. The 9mm Sig Sauer handgun is to be held by the Bureau of Alcohol,
16 Tobacco, Firearms, and Explosives ("ATF") in its secure custody and control.

17 3. Pursuant to Rule 32.2(b) and (c), the United States is hereby authorized
18 to begin proceedings consistent with any statutory requirements pertaining to
19 ancillary hearings and rights of third parties.

20 4. Pursuant to the Attorney General's authority under Section 853(n)(1) of
21 Title 21, United States Code, Rule 32.2(b)(6), Fed. R. Crim. P., and Rule G(4) of the
22 Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions,
23 the United States forthwith shall publish for thirty (30) consecutive days on the
24 Government's forfeiture website, www.forfeiture.gov, notice of this Order, notice of
25 the United States' intent to dispose of the property in such manner as the Attorney
26 General may direct, and notice that any person, other than the Defendant, having or
27 claiming a legal interest in the above-listed forfeited property must file a petition with
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1 the Court within thirty (30) days of the final publication of notice or of receipt of
2 actual notice, whichever is earlier.

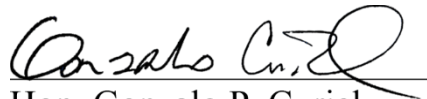
3 5. This notice shall state that the petition shall be for a hearing to
4 adjudicate the validity of the petitioner's alleged interest in the property, shall be
5 signed by the petitioner under penalty of perjury, and shall set forth the nature and
6 extent of the petitioner's right, title or interest in the forfeited property and any
7 additional facts supporting the petitioner's claim and the relief sought.

8 6. The United States may also, to the extent practicable, provide direct
9 written notice to any person known to have alleged an interest in the property that is
10 the subject of the Preliminary Order of Criminal Forfeiture, as a substitute for
11 published notice as to those persons so notified.

12 7. Upon adjudication of all third-party interests, this Court will enter an
13 Amended Order of Forfeiture pursuant to 21 U.S.C. § 853(n) as to the
14 aforementioned asset, in which all interests will be addressed.

15 8. Pursuant to Rule 32.2(b)(4), this Order of Forfeiture is final as to the
16 Defendant and is part of the sentence and is included as a part of the judgment.

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18 Dated: March 9, 2016


Hon. Gonzalo P. Curiel
United States District Judge